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UNITED STATES OF AMERICA <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action Nos.
v.	)	99-30225, 99-30226,
	)	and 99-30227-MAP
	)	(consolidated)
GENERAL ELECTRIC COMPANY,	)	
	)	
Defendant.	)	
	)	

WHEREAS, on October 27, 2000, the Court entered a Consent Decree (“Consent Decree” or “Decree”) in this action among the United States, the Commonwealth of Massachusetts (the “State”), the State of Connecticut (“Connecticut”), the City of Pittsfield (the “City”), the Pittsfield Economic Development Authority (“PEDA”), and the General Electric Company (“GE”) relating to the GE-Pittsfield/Housatonic River Site (“Site”). Pursuant to the Consent Decree (and without admitting liability), GE is required to perform and/or pay for response actions to remediate contamination at the Site, to reimburse the United States, the State, and Connecticut for certain response costs incurred with respect to the Site, and to take actions to address alleged damages to natural resources.

WHEREAS there have been five prior modifications to the Consent Decree: (1) the First Modification of Consent Decree, filed by the United States on February 6, 2002; (2) the Second Modification of Consent Decree, approved by the Court on May 15, 2003; (3) the Third Modification of Consent Decree, approved by the Court on March 31, 2005; (4) the

Fourth Modification of Consent Decree, approved by the Court on June 23, 2006; and (5) the Fifth Modification of Consent Decree, filed by the United States on May 25, 2007, and approved by the Court on May 30, 2007.

WHEREAS the United States, the State, and GE (the “Modification Parties”) have agreed that an additional modification to the Consent Decree is appropriate and is in the interest of timely and effective implementation of the Consent Decree. This modification clarifies that all references in the Consent Decree to the “Reissued RCRA Permit” refer to that permit as reissued by EPA to GE on December 5, 2007, to extend its expiration date.

WHEREAS the foregoing modification is a non-material modification of the Consent Decree. As such, pursuant to Paragraph 217 of the Decree, it requires the agreement of the United States, the State and GE. Paragraph 217 of the Decree also provides that written notification of non-material modifications of the Decree is to be provided to the City and PEDDA and that non-material modifications of the Decree are effective upon filing with the Court by the United States.

WHEREAS written notice of this modification has been provided to the City and PEDDA. Those parties have no objections to this modification.

WHEREAS the relevant background information relating to the modification set forth herein is as follows:

A. Appendix G to the Consent Decree is a Draft Reissued RCRA Permit, which, *inter alia*, describes the process to be followed to select a remedy for the Rest of River, as that area is described in the Decree. In accordance with the provisions of Paragraph 10 of the Decree, EPA issued the final Reissued RCRA Permit, effective October 27, 2000 (referred to hereinafter as “the 2000 Permit”). The expiration date of the 2000 Permit is October 27,

2010, ten years from when it became effective.

B. EPA, at the request of the State, is currently planning to authorize the State to administer the RCRA corrective action program in the State, including granting to the State the authority to issue future RCRA corrective action permits in the State. However, EPA and the State are in agreement that EPA should continue to take responsibility for the Reissued RCRA Permit. To ensure the continued lead role of EPA, GE and EPA agreed, pursuant to General Condition I.C of the Reissued RCRA Permit, to reissuance of that permit solely for the purpose of extending its term.

C. Accordingly, on September 17, 2007, EPA issued a Fact Sheet and a draft of a new permit, referred to in the Fact Sheet as the Reissued Permit of 2007, or “the 2007 Permit.” In the Fact Sheet, EPA proposed to revoke and reissue the 2000 Permit solely to extend its term beyond 2010, to ten years from the effective date of its reissuance.

D. As described in the Fact Sheet, EPA accepted public comments on the draft 2007 Permit for a period of sixty days, until November 16, 2007. EPA received no comments requesting a change to the draft 2007 Permit.

E. On December 5, 2007, EPA issued the final 2007 Permit in a form substantively the same as the September 17, 2007 draft. A copy of the final 2007 Permit is attached hereto as Exhibit 1. Pursuant to applicable EPA regulations set forth at 40 C.F.R. § 124.15(b)(3), the 2007 Permit became effective immediately upon issuance.

F. The Modification Parties agree that it is appropriate to modify the Consent Decree to clarify that the definition of “Reissued RCRA Permit” in Paragraph 4 of the Decree – and thus the other references thereto in the Decree, including Appendix G to the Decree – refers to that permit as reissued by EPA to GE on December 5, 2007.

NOW, THEREFORE, the Consent Decree is hereby modified as follows:

1. The definition of “Reissued RCRA Permit” in Paragraph 4 of the Consent Decree is modified to read as follows:

“Reissued RCRA Permit” shall mean the permit reissued by EPA to the Settling Defendant in accordance with the provisions of Paragraph 10 of this Consent Decree, which is set forth in Appendix G, as such permit was reissued by EPA on December 5, 2007. The Reissued RCRA Permit is Exhibit 1 to the Sixth Modification to the Consent Decree.

2. Appendix G to the Decree shall hereafter be the Reissued RCRA Permit reissued by EPA on December 5, 2007, and included as Exhibit 1 to this Sixth Modification, hereby superseding the original Appendix G.

3. All references in the Decree, including its Appendices and Attachments, to “Appendix G” shall refer to the Reissued RCRA Permit reissued by EPA on December 5, 2007.

THE UNDERSIGNED PARTY enters into this Sixth Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the GE-Pittsfield/Housatonic River Site.

UNITED STATES OF AMERICA

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THE UNDERSIGNED PARTY enters into this Sixth Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the GE-Pittsfield/Housatonic River Site.

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THE UNDERSIGNED PARTY enters into this Sixth Modification of Consent Decree in the matter of United States, the Commonwealth of Massachusetts, and the State of Connecticut v. General Electric Company, relating to the GE-Pittsfield/Housatonic River Site.

GENERAL ELECTRIC COMPANY

Date: 2/12/08

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### CERTIFICATE OF SERVICE

I certify that this Sixth Modification of Consent Decree was filed on February 14, 2008, through the Court's ECF system and was therefore electronically sent to the registered participants as identified on the Notice of Electronic Filing. In addition, paper copies of this document are being sent by first class mail to the following counsel this 14th day of February, 2008.

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